IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID JOHN FORD ET AL.

Group Art Unit: 3629

Examiner: Gerardo Araque, Jr.

Serial No.: 10/064,962

Filed: September 4, 2002

For: AN ONLINE METHOD AND SYSTEM FOR ADVISING CUSTOMERS ON SERVICE NEEDS, FACILITATING THE SCHEDULING OF VEHICLE SERVICE APPOINTMENTS, AND CHECKING VEHICLE SERVICE STATUS

Attorney Docket No.: 81046134 (FMC 1438 PUS)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief from the final rejection of claims 1-20 of the Office Action mailed on June 21, 2007 and sustained in the Advisory Action mailed on August 29, 2007 for the above-identified patent application.

I. REAL PARTY IN INTEREST

The real party in interest is Ford Motor Company ("Assignee"), a corporation organized and existing under the laws of the state of Delaware, and having a place of business in Dearborn, Michigan, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on September 4, 2002 at Reel 013051/Frame 0944.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-20 are pending in this application. Claims 1-20 have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

The Appellant has not filed any amendments after the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This application has three (3) independent claims, i.e., claims 1, 11 and 14.

Claim 1 is directed to an online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving a service inquiry. (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving input information regarding the potential service of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id.*) The method further includes transmitting the input information and an appointment request to a

vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., Fig. 2, blocks 30, 32, 34 and 36.)

Claim 11 is directed to an online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving a service inquiry. (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, a recall request, and a vehicle status request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving input information regarding the potential service of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id.*) If the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status. (e.g., p. 24, l. 13 - p. 25, l. 21 and Fig. 2, block 31.) The input information is used to determine the vehicle status. (e.g., *id.*) The method also includes transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., Fig. 2, blocks 30, 32, 34 and 36.)

Claim 14 is directed to an online vehicle service system including at least one server computer operable serving at least one client computer. (e.g., p. 1, ll. 3-30 and Fig. 1, server computer 12 and client computers 14A-14N.) The at least one server computer is configured to receive a service inquiry. (e.g., p. 1, ll. 25-30; p. 7, l. 33 - p. 8, l. 1; and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The at least one server computer is further configured to receive input information regarding

the potential service of the vehicle. (e.g., p. 1, ll. 25-30; p. 8, ll. 16-26; and Fig. 2, block 28 .) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37..) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., p. 1, ll. 25-30 and p. 15, l. 17 - p. 17, l. 25.) The at least one server computer is further configured to transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., p. 1, ll. 25-30 and Fig. 2, blocks 30, 32, 34 and 36.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 6-10, 14, 15 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. 2003/0191660 (*Himes*).

Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes*.

Claims 3-5, 16, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes* in view of U.S. Patent No. 6,304,848 (*Singer*) in further view of U.S. Patent Pub. No. 2002/0022975 (*Blasingame*).

VII. ARGUMENT

A. Claims 1, 2, 6-10, 14, 15 and 18 Are Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

1. Claim 1 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

Himes fails to teach or suggest independent claim 1 for many reasons. For example, claim 1 requires "if the service inquiry ... is [a] recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." This limitation is not provided by *Himes*. The Examiner cites to ¶ [0018] in support of *Himes* providing this limitation. (Office Action, June 21, 2007, p. 3.) ¶ [0018] (emphasis added) is reproduced below:

> [0018] In a preferred embodiment of the invention depicted in FIG. 1, a card 110 is inserted into card reader 120. The card 110 contains customer and vehicle information, including name, address, phone numbers, vehicle identification number (VIN), warranty information and e-mail address. In addition, the card also contains customer specific maintenance schedules and coupon information, including recommended vehicle maintenance schedules, a record of the customer's last 50 visits, and discounts and free services. The kiosk or data entry terminal 130 is equipped with software that enables it to read and process the information provided by the card 110. For example, the software may offer the customer the option of accessing a service area 140 when the customer's car needs to be repaired, or an option to access the early bird drop off 150 area, when the customer is dropping off the car to be repaired by the dealership. Alternatively, the software may offer the customer the option of accessing a sales area 160, when the customer wants to buy a car.

According to the Examiner, "it would be inherent that a recall request would fall under recommended services." (Office Action, p. 3 (emphasis added).) At best, the recommended services of *Himes* relate to "specific maintenance schedules ..., including recommended vehicle maintenance schedules." ¶ [0018]. Maintenance schedules are periodic, recommended schedules for maintenance defined before a vehicle is put into use, while recalls

are aperiodic, required and based on a safety concern or regulatory requirement typically defined after the vehicle is put into use. Recall requests are not inherent in light of recommended maintenance services.

The Examiner further cites to ¶¶ [0022] and [0024] of the *Himes* reference for a teaching of the above-identified limitation. ¶¶ [0022] and [0024] are reproduced below:

> [0022] The preferred embodiment of the present invention improves upon conventional systems by providing data, as shown on FIG. 2, that are not available in conventional systems. For example, the Trade-in Accrual 210 is an amount that can be based on a percentage of the total coupons used to date, or it can be a fixed amount specified by the dealership customer. The vehicle warranty 220 provides the ability to add information regarding the warranty, such as a simple "Yes" or "No", or an actual identification number or description. The Amount Saved This Visit 230 keeps track of the amount of money the customer has saved through the application of various coupons during the current visit. The Total Saved 240 is a cumulative amount the customer has saved during the customer's ownership of the card. Other data on the maintenance schedule screen 202 include: the customer name 203, the mileage 204, the previous mileage 205, the VIN 206, a notice area 207, selection boxes 208, and recommended services 209. The maintenance schedule screen 202 also includes areas for the most-commonly requested departments and functions, such as oil 211, inspection 212, parts 213, vehicle purchase 214, services 215, referral awards 216, tires 217, and extras 218, such as car accessories.
>
> * * *
>
> [0024] The various numbered elements of FIG. 6 represent the respective fields in the indicated locations in the actual screen display exhibited in FIG. 5. The name field 601 indicates the name of the customer in the current user session. The auto field 602 indicates the name of the automobile of the user in the current session. The VIN field 603 indicates the VIN of the automobile for the session. The extended warranty field 604 indicates whether or not an extended warranty is currently in affect for the automobile. The mileage field 605 indicates the current mileage of the vehicle. The previous mileage field 606 indicates the mileage of the vehicle at the last recorded visit to

> the dealership. The Loyalty Card balance field 607 indicates the current balance under the Loyalty Card for that user for that automobile. The total amount saved 608 indicates the total amount saved by the user on this Loyalty Card to date. The trade-in accrual field 609 indicates the trade-in accrual for this customer and vehicle. The save this visit field 610 indicates the amount saved in this visit by the Loyalty Card and its discounts. The visit number element 611 indicates the visit number being recalled on the screen from the smart card. The mileage field 612 indicates the mileage at the time of the visit number in element 611. The date field 613 indicates the date of the visit number in element number 611. The coupons used field 614 indicates the coupons used at the visit number indicated in field 611. The maintenance performed field 615 indicates the maintenance performed at the visit indicated in field 611. The return field 616 allows the user to move to other displays. A variety of displays can be used displaying a variety of information stored on the smart card, or generated at the current user visit for new maintenance and service, or information retrieved from the dealer management system, or other information.

These passages, as well as the rest of *Himes* do not teach or suggest "if the service inquiry ... is a recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." To the contrary, the recommended services 209 shown on FIG. 2 are recommended maintenance (i.e., change oil and lube) or preventative inspection (i.e., 23-point inspection). FIG. 6 also does not disclose recall requests, as claimed. For at least these reasons, claim 1 is patentable over the *Himes* reference.

Moreover, claim 1 requires "receiving input information regarding the potential service of [a] vehicle ... wherein the input information is used to determine whether service is advised for the vehicle." *Himes* fails to teach or suggest this limitation. The Examiner cites to ¶ [0019] for an alleged teaching of this limitation. ¶ [0019] is reproduced below:

> [0019] The customer accesses the desired area through an input device such as the touch-screen 165. In addition, other input devices may also be provided, such as the keyboard 170 or the mouse 180. When the customer has completed his or her

> session, the data received from the data entry terminal 130 is communicated via cable or radio-frequency (not shown) to the dealer management system 190 ("DMS"). One example of a DMS used in a preferred embodiment is the ERA system 190, developed by Reynolds and Reynolds, Inc. of Dayton, Ohio, but other DMSs may be used in the present invention. The data received from the data entry terminal 130 are used to populate the information fields on the DMS 190. Additional information regarding the selected services, such as labor rates and other prices, are supplied from the DMS 190, and a repair order (not shown) containing the customer information, the vehicle information, and a service description is printed on the printer 135. Also, the repair order and other history of the visit can be written onto the smart card; and other information from the DMS 190 can be written onto the smart card.

According to ¶ [0019], the data received is used to print a repair order for selected services. The claimed subject matter, as recited in claim 1, is directed to "input information regarding potential service" – not actual "selected services," as provided by *Himes*. According to claim 1, "the input information is used to determine whether service is advised for the vehicle." According to *Himes*, this determination has already been made, and a repair order is printed to reflect the selected services. For at least this reason, claim 1 is patentable over the *Himes* reference.

Furthermore, claim 1 requires "transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment." *Himes* fails to teach or suggest this limitation. The Examiner cites to ¶ [0035] for an alleged teaching of this limitation. ¶ [0035] (emphasis added) is reproduced below:

> [0035] In another embodiment of the present invention, depicted on FIG. 3, the customer uses the card 310 with the card reader 320 connected to a remote personal computer (PC) 330 located, for example, in the customer's home. The PC 330 is equipped with software programmed to perform the above functions, or a subset thereof, and the PC 330 is connected to the Internet 340, which allows the PC 330 to communicate with the ERA system

> 350, or any other DMS (Dealer Management System) 350 that may be used.

According to the Examiner in the Response To Arguments, "as shown in ¶ [0035], *Himes* discloses that the various functions are communicated (transmitted) between the PC and the ERA system or DMS that may be used. As a result, the above inputted information would then be transmitted to the ERA or DMS that may be used." (Office Action, June 21, 2007, p. 10.) "The above functions" do not include transmitting an appointment request to a vehicle service advisor. The Examiner's arguments fail to describe how this recited limitation of claim 1 is provided by *Himes*.

¶ [0035], FIG. 3, and/or "the above functions" do not provide "transmitting ... an appointment request ... to a vehicle service provider." Rather, the Background of *Himes* identifies "the ability to schedule services ... by requesting the appointment through the Internet ... as a need." ¶ [0006]. ¶ [0006] is reproduced below in its entirety:

> [0006] Another problem with conventional systems is the lack of integration with Internet-enabled technologies. As customers become increasingly comfortable with using the Internet to purchase goods and services, there is a growing need to be able to offer Internet-savvy customers with goods and services that have traditionally been offered in brick-and-mortar businesses. For example there is a need to provide a customer with the ability to schedule services for the customer's automobile by requesting the appointment through the Internet, rather than the traditional method of calling the dealership to make an appointment.

Himes identifies online scheduling services as "a need." The Examiner has not cited to *Himes* in support of this need being addressed because it is not addressed by *Himes*. *Himes* fails to teach or suggest "transmitting ... an appointment request ... to a vehicle service provider." For at least these reasons, claim 1 is patentable over the *Himes* reference.

2. Claim 2 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Himes*

Claim 2 requires that "the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string." The *Himes* reference fails to teach or suggest this limitation. According to the Examiner, ¶ [0032], which is reproduced below, teaches this limitation:

> [0032] The preferred embodiment further provides Administrator Card Functions to allow administrators to perform specialized functions. For example, an administrator can add store credit to a user's card 110 as a way to resolve a customer complaint. Additional information may be entered into the system to describe the customer's complaint. The administrator may also undo maintenance items and/or coupons that were previously selected and stored on the customer's card 110. An option is provided for the administrator to edit the configuration of the system's parameters file. An administrator may also generate a report of system usage statistics. The system can provide the administrator with a listing of the system's last 10 transactions. The administrator may also set the time and date for the system, as well as shut down the system. The administrator is also provided with the ability to calibrate the touch screen 165, and to exit the session to return the computer 130 to the Windows mode.

According to *Himes*, an administrator can perform specialized functions, *e.g.*, the administrator can enter information relating to a customer complaint. This information does not define "vehicle symptoms pertinent to [a] service request," as claimed. For at least this reason, claim 2 is patentable over the *Himes* reference.

3. Claim 7 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Himes*

Claim 7 recites "receiving available appointment dates and arrival times from the vehicle service provider." The *Himes* reference fails to teach or suggest this limitation. According to the Examiner, ¶ [0011], which is reproduced below, teaches this limitation:

> [0011] In this preferred embodiment, when a customer buys a vehicle from the dealership, the dealership sends a registration

> form to the card service provider, such as Reynolds and Reynolds Inc. of Dayton, Ohio. The card service provider prints and programs the card 110 and mails the card to the customer on behalf of the dealership. When the customer comes into the dealership for maintenance services on the vehicle, the customer inserts the card 110 into the kiosk 130 and enters the vehicle's mileage 204. The pre-programmed maintenance schedule 202 and coupon package appears on the screen and the customer, with the assistance of the service advisor, selects the desired maintenance items 209. As maintenance items 209 are selected using selection boxes 208, various pre-programmed coupons are offered to the customer. After selection of the maintenance items 209, a "quick write-up" sheet appears on the screen. The customer and the service advisor can then enter other items of information on the screen to complete the repair order. These fields may include time and date promised, additional contact instructions, additional contact number, service advisor number and other services desired. After completion, the information on this visit is written to the card 110 and two thermal receipts are printed. The first receipt is for the customer, while the second receipt contains the additional information from the quick write-up session and is for the service advisor's use in completing the repair order in the dealer management system.

According to *Himes*, a service advisor can enter a time and date promised into a repair order when the customer comes into the dealership for maintenance services on the vehicle. Therefore, the appointment date and time has already been scheduled, and the customer has arrived at the dealership for service. Contrarily, claim 7 recites "receiving appointment dates and arrival times" for facilitating the scheduling of a vehicle service appointment.

In the Response to Arguments, the Examiner states that "it would have been obvious for the system to already provide available dates and times for when the next oil change would be due." (Office Action, June 21, 2007, p. 11.) Claim 7 is currently rejected as being anticipated by *Himes*. Yet, the Examiner uses obviousness to reject claim 7. For this reason alone, Applicants request reversal of the rejection of claim 7. For at least the reasons set forth above, claim 7 is patentable over the *Himes* reference.

4. Claim 9 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

Claim 9 recites "determining whether a recall exists for the customer's vehicle based on the input information." The *Himes* reference fails to teach or suggest this limitation. The Examiner cites to ¶ [0022] of *Himes* in support of his rejection of claim 9. At best, ¶ [0022] of *Himes* teaches the display of recommended services on a maintenance schedule screen. *Himes* does not teach or suggest the step of determining whether a recall exists based on input information. For at least this reason, claim 9 is patentable over the *Himes* reference.

5. Claim 10 Is Separately Patentable Under 35 U.S.C. § 102(e) Over Grimes

Claim 10 recites "transmitting the input information to the customer prior to transmitting the appointment request." The *Himes* reference fails to teach or suggest this limitation. The Examiner cites to ¶¶ [0035], [0039] and [0040] in support of his rejection of claim 10. The Examiner further states:

> As best understood by the Examiner, Himes discloses that the customer inputs the necessary information within the system. After the information is inputted a copy of the information is displayed to the user in order to verify that all the information is correct, which is old and well known in the art. After everything has been verified, the inputted information is sent over the Internet and to the ERA or DMS that is being used.
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> (Office Action, June 21, 2007, p. 11.)

"A prior art reference anticipates a claim only if the reference discloses, either expressly or inherently, every limitation of the claim." *Rowe v. Dror*, 42 USPQ2d 1550 (Fed. Cir. 1997.) The Examiner's use of "as best understood" and "old and well known in the art" supports the Applicants' position that *Himes* does not expressly or inherently, without reference to *Himes*, teach "transmitting the input information to the customer prior to transmitting the appointment request."

A review of these paragraphs and the rest of *Himes* reveals that the *Himes* reference does not provide for the transmission of the input information to the customer prior to the transmission of an appointment request, as claimed. For at least this reason, claim 10 is patentable over the *Himes* reference.

6. Claim 14 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

Himes fails to teach or suggest independent claim 14 for many reasons. For example, claim 14 requires "if the service inquiry ... is [a] recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." This limitation is not provided by *Himes* for at least the reasons set forth above with respect to claim 1. Moreover, claim 14 requires an "at least one server computer configured to ... receive input information regarding the potential service of [a] vehicle ... wherein the input information is used to determine whether service is advised for the vehicle." *Himes* fails to teach or suggest this limitation for at least the reasons set forth above with respect to claim 1. Furthermore, claim 14 requires the "at least one server computer configured to ... transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment." *Himes* fails to teach or suggest this limitation for at least the reasons set forth above with respect to claim 1. For at least these reasons, claim 14 is patentable over *Himes*.

7. Claim 15 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

Claim 15 recites "the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider." *Himes* fails to teach or suggest this limitation for at least the reasons set forth above with respect to claim 7. For at least this reason, claim 15 is patentable over *Himes*.

8. Claim 18 Is Separately Patentable Under 35 U.S.C. § 102(e) Over *Grimes*

Claim 18 recites "the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string." *Himes* fails to teach or suggest this limitation for at least the reasons set forth above with respect to claim 2. For at least this reason, claim 18 is patentable over *Himes*.

B. Claims 11-13 Are Patentable Under 35 U.S.C. § 103(a) Over *Grimes* In View Of The Knowledge Of One Skilled In The Art

1. Claim 11 Is Separately Patentable Under 35 U.S.C. § 103(a) Over *Grimes* In View Of The Knowledge Of One Skilled In The Art

Himes fails to teach or suggest independent claim 11 for many reasons. For example, claim 1 requires "if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status." This limitation is not provided by *Himes*. The Examiner cites to ¶ [0022] in support of *Himes* providing this limitation. ¶ [0022] (and the rest of *Himes*) does not disclose checking on the vehicle status, as claimed. Moreover, *Himes* does not teach or suggest "receiving ... a recall request," as recited in claim 11, for at least the reasons set forth above with respect to claim 1. Furthermore, *Himes* does not teach or suggest "transmitting ... an appointment request ... to a vehicle service provider," as recited in claim 11, for at least the reasons set forth above with respect to claim 1. For at least these reasons, claim 11 is patentable over the *Himes* reference.

Moreover, the knowledge of one skilled in the art does not overcome these deficient teachings. The Examiner has not provided evidence to the contrary. For at least these reasons, claim 11 is patentable over the proposed combination.

2. Claim 12 Is Separately Patentable Under 35 U.S.C. § 103(a) Over *Grimes* In View Of The Knowledge Of One Skilled In The Art

Claim 12 recites "receiving vehicle status information from [a] vehicle service provider." Claim 12 further recites "the vehicle status information includes a service status of work in progress." The *Himes* reference fails to teach or suggest these limitations. According to the Examiner, ¶ [0023], which is reproduced below, teaches this limitation:

> [0023] A wide variety of screen displays may be used. FIG. 5 shows one screen display for one embodiment. The screen display can be presented when a user wants to review the history of the user's visits to the dealer, and certain aspects of the user's current status. This screen can be used in conjunction with other screens in a single session, or exclusively in a session for data review only. FIG. 6 shows a block diagram of FIG. 5.

At best, FIG. 5 discloses LOYALTY CARD BALANCE, TOTAL AMOUNT SAVED, TRADE IN ACCRUAL, SAVED THIS VISIT, Coupons Used and Maintenance Performed as user status information. This "user status" information does not pertain to "a service status of work in progress," as recited in claim 12. For at least this reason, claim 12 is patentable over the *Himes* reference.

Moreover, the knowledge of one skilled in the art does not overcome these deficient teachings. The Examiner has not provided evidence to the contrary. For at least these reasons, claim 12 is patentable over the proposed combination.

3. Claim 13 Is Separately Patentable Under 35 U.S.C. § 103(a) Over *Grimes* In View Of The Knowledge Of One Skilled In The Art

Claim 13 recites "transmitting to the customer vehicle status information." The *Himes* reference fails to teach or suggest this limitation. The claimed "vehicle status information" includes "a service status of work in progress," which is not taught or suggested by the *Himes* reference. The Examiner asserts as follows on page 7 of the final Office Action:

> However, *Himes* does not explicitly disclose providing the status information of work in progress. However, it is old and well known in the art for customers to input information into an online service provider to know the status of their service. ... It is old and well known for customers to call a mechanic in order to know that status of the vehicle by providing their name or the vehicle type.

Applicants traverse the Examiner's alleged official notice of "old and well known" knowledge in accordance with MPEP 2144.03(c), and reiterate the Examiner's burden to produce authority supporting these statements in compliance with the substantial evidence test. Since the Examiner has not provided adequate documentary evidence, Applicants respectfully request the reversal of the rejection with respect to claim 13.

Furthermore, the proposed combination does not render claim 13 obvious. The proposed combination does not teach or suggest "transmitting to the customer vehicle status information." For at least these reasons, claim 13 is patentable over the proposed combination.

C. Claims 3-5, 16, 17, 19 and 20 Are Patentable Under 35 US.C. § 103(a) Over The Proposed Combination Of *Himes*, *Singer* and *Blasingame*

1. Claim 3 Is Separately Patentable Under 35 U.S.C. § 103(a) Over The Proposed Combination Of *Himes*, *Singer* and *Blasingame*

Claim 3 depends from claim 1. Claim 3 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." The Examiner admits that this limitation is not taught or suggested by *Himes*. However, according to the Examiner, *Blasingame et al.* discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al.* in support of his position:

> [0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

> The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator,

> responsive to the medical term matching means for creating an actual patient medical record therefrom.

Id. (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, June 21, 2007, p. 8.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" for the patient to ask the physician during the office visit. The "key questions" and answers are given to the physician prior to the office visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "obtain[] at least two symptom probing answers from the customer," as recited in claim 3. Rather, the "key questions" have already been answered by the medical information system. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 3.

Singer does not cure the defective teachings of *Blasingame et al.* At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information is not provided by patients, i.e., the customers of the medical profession. Claim 3 requires that the at least two symptom probing questions are used to

obtain at least two symptom probing answers from the customer. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 3 is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al.* references.

2. Claim 19 Is Separately Patentable Under 35 U.S.C. § 103(a) Over The Proposed Combination Of *Himes*, *Singer* and *Blasingame*

Claim 19 depends from claim 14. Claim 19 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." The Examiner admits that this limitation is not taught or suggested by *Himes*. However, according to the Examiner, *Blasingame et al.* discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al.* in support of his position:

> [0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

> The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator, responsive to the medical term matching means for creating an actual patient medical record therefrom.
>
> *Id.* (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, June 21, 2007, p. 8.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" for the patient to ask the physician during the office visit. The "key questions" and answers are given to the physician prior to the office

visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "obtain[] at least two symptom probing answers from the customer," as recited in claim 3. Rather, the "key questions" have already been answered by the medical information system. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 3.

Singer does not cure the defective teachings of *Blasingame et al.* At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information is not provided by patients, i.e., the customers of the medical profession. Claim 19 requires that the at least two symptom probing questions are used to obtain at least two symptom probing answers from the customer. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 19 is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al.* references.

The Commissioner is hereby authorized to charge the $510.00 Appeal Brief fee as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) and to charge any additional fee or credit any overpayment associated with the filing of this Paper to the Deposit Account of Applicants' assignee, Ford Global Technologies LLC, Deposit Account No. 06-1510.

Respectfully submitted,

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Enclosure - Appendices

VIII. CLAIMS APPENDIX

1. An online vehicle service method comprising:

receiving a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

receiving input information regarding the potential service of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle; and

transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment.

2. The online method of claim 1 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

3. The online method of claim 2 further comprising determining an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

4. The online method of claim 3 further comprising transmitting to the customer the at least two symptom probing questions.

5. The online method of claim 4 further comprising transmitting to the vehicle service provider the at least two symptom probing answers to the at least two symptom probing questions.

6. The online method of claim 1 wherein the service inquiry is selected by the customer.

7. The online method of claim 1 further comprising receiving available appointment dates and arrival times from the vehicle service provider.

8. The online method of claim 1 wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information.

9. The online method of claim 1 wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information.

10. The online method of claim 1 further comprising transmitting the input information to the customer prior to transmitting the appointment request.

11. An online vehicle service method comprising:

receiving a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, a recall request, and a vehicle status request;

receiving input information regarding the potential service of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle

identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle or if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status; and

transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment.

12. The online method of claim 11 wherein the service inquiry is the vehicle status request and further comprising receiving vehicle status information from the vehicle service provider, wherein the vehicle status information includes a service status of work in progress.

13. The online method of claim 12 further comprising transmitting to the customer vehicle status information.

14. An online vehicle service system comprising at least one server computer operable serving at least one client computer, the at least one server computer configured to:

(i) receive a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

(ii) receive input information regarding the potential service of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle; and

(iii) transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment.

15. The online system of claim 14 wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider.

16. The online system of claim 15 wherein the at least one server computer is additionally configured to transmit a request XML package containing a request for available appointment dates and arrival times to the vehicle service provider and to receive a response XML package containing available appointment dates and arrival times.

17. The online system of claim 16 wherein the at least one server computer is additionally configured to transmit a request XML package containing the appointment date and arrival time for the vehicle service appointment to a dealer server or dealer middleware server and to receive a response XML confirming the appointment date and arrival time.

18. The online system of claim 14 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

19. The online system of claim 18 wherein the at least one server computer is additionally configured to determine an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

20. The online system of claim 19 wherein the at least one server computer is additionally configured to transmit to the customer an at least two symptom probing questions.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.